

Antoinette Barnes
775 Barnes Road, 1E
Wallingford, CT 06492

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Antoinette Barnes, LPN
Licensed Practical Nurse License No. 024483
Respondent.

CASE PETITION NO. 951017-11-033

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated January 2, 1996 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Antoinette Barnes(hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On January 17, 1996, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated January 17, 1996, scheduling a hearing for February 7, 1996 (Department Exhibit 1). The hearing took place on February 7, 1996, in Room B-120, Department of Public Health, 150 Washington Street, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Antoinette Barnes, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 024483 on November 2, 1992. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-E)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Statement of Charges, and Notice of Hearing were served on the Respondent by Deputy Sheriff on January 26, 1996.
3. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, February 7, 1996, p. 3)
4. On or about September 1995, the Respondent was employed as a licensed practical nurse at Cocomo Memorial, Meriden, Connecticut. (Department Exhibit 1-A)
5. On or about September 23, 1995, while on duty as a licensed practical nurse at Cocomo Memorial, the Respondent was found collapsed on the floor on her assigned wing. The Respondent was admitted to the emergency room at Veterans Memorial Medical Center, Meriden, Connecticut where

she was diagnosed with ETOH (alcohol) intoxication. The Respondent had a blood alcohol level of 0.352%. (Department Exhibit 1A-1C) (Hearing Transcript, February 7, 1996, pp. 6-9)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Antoinette Barnes held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing, and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Statement of Charges alleges that on or about September 23, 1995, the Respondent abused or excessively utilized alcohol, and was under the influence of alcohol while working as a licensed practical nurse at Cocomo Memorial, Meriden, Connecticut.

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The Department proved, by a preponderance of the evidence, that on September 23, 1995 the Respondent abused or excessively used alcohol, and was under the influence of alcohol while on duty as a licensed practical nurse.

Based on its findings, the Board concludes that the Respondent's conduct as alleged in the Statement of Charges dated January 2, 1996, is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That the Respondent's licensed practical nurse license, No. 024483, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Antoinette Barnes and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 24th day of July 1996.

BOARD OF EXAMINERS FOR NURSING

By

